

COMP\_ECTOR\_CO\_20140725\_COMPLAINT  
**Texas Commission on Environmental Quality**  
**Investigation Report**

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**Customer: Generic Incident Principal**  
**Customer Number: CN602295370**

**Regulated Entity Name: ECTOR DRUM**  
**Regulated Entity Number: RN102263472**

<b>Investigation</b>	# 1186740	<b>Incident Numbers</b>	200089
<b>Investigator:</b>	TRENT MARTIN	<b>Site Classification</b>	CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR
<b>Conducted:</b>	07/25/2014 -- 07/25/2014	<b>No Industry Code Assigned</b>	
<b>Program(s):</b>	INDUSTRIAL AND HAZARDOUS WASTE		
<b>Investigation Type:</b>	Compliance Investigation	<b>Location:</b>	--- 2504 MARCO DR, ODESSA, TX, 79765 ---
<b>Additional ID(s):</b>	52177		
<b>Address:</b>	2504 N MARCO AVE, ODESSA, TX , 79762	<b>Local Unit:</b>	REGION 07 - MIDLAND
		<b>Activity Type(s):</b>	IHWCMPL - Complaint investigation

**Principal(s):**

<b>Role</b>	<b>Name</b>
RESPONDENT	GENERIC INCIDENT PRINCIPAL
RESPONDENT	UNITED FUEL & ENERGY CORPORATION

**Contact(s):**

<b>Role</b>	<b>Title</b>	<b>Name</b>	<b>Phone</b>
Regulated Entity	ENVIRONMENTAL	MR RANDY BEARD	(432) 556-3939
Contact	MANAGER		

**Other Staff Member(s):**

<b>Role</b>	<b>Name</b>
Investigator	RALPH JOHNSON
Supervisor	WILLIAM EDMISTON
QA Reviewer	RALPH JOHNSON

**Associated Check List**

<b><u>Checklist Name</u></b>	<b><u>Unit Name</u></b>
IHW COMPLAINT	Ector Drum

**Investigation Comments:**

**INTRODUCTION**

On July 25, 2014, Environmental Investigators Ralph Johnson and Trent Martin with the Texas Commission on Environmental Quality (TCEQ) Region 7 - Midland office, conducted a complaint investigation at Ector Drum, Inc. for the potential discharge of contaminated storm water coming from the site. In accordance with TCEQ

policy, the investigation was conducted unannounced. The site is located on 2604 N Marco Ave Odessa, Texas.

#### BACKGROUND

On June 23, 2014, the TCEQ Region 7 Office, received information alleging that the alleged site had potential discharge of contaminated storm water coming from the site. The Region 7 office was requested to conduct an on-site investigation to investigate the complaint. The complaint incident, #200089 was assigned to Investigator Trent Martin for investigation.

#### GENERAL FACILITY AND PROCESS INFORMATION

The site is located at 2604 N. Marco Ave. in Odessa, Texas and is operated by Ector Drum owner Mr. Randy Beard. The facility is a drum reconditioning business that is no longer in operation. The tract of land is in an industrial area but has residential areas close to the facility.

#### SUMMARY OF ON SITE INVESTIGATION

On July 25, 2014, Mr. Martin along with Senior Investigator Mr. Ralph Johnson arrived at the alleged source located 2604 N Marco Ave in Odessa, Texas and proceeded to look into the facility. The investigators were joined by Mr. Ricky George, Ector County Environmental Police. Going around the facility, it was noted that there were numerous openings throughout the fence line. Mr. Martin, Mr. Johnson, and Mr. George entered the facility through one of the broken fence panels and walked through the facility.

Upon entering the operating area it was discovered that there were many 350 gallon tote-containers and 55 gallons drums that were noted to be full of unknown chemical. Also, the ground surface at various locations showed evidence of chemical contamination most likely from long-term drum storage. Underneath the loading rack nearby observed a 20'X10'X4" pool of an oily brown liquid.

The facility waste storage tanks (Fac.001 and 002) are 200 bbl. tank and a 160 bbl. tank respectively. The concrete secondary containment vault was full of a mixture of water and unknown chemical. The freeboard was estimated to be approximately six to eight inches.

The investigators continued to walk the entire property and discovered many more 350 gallon tote-containers and 55 gallons drums as well as a good amount of contamination on the ground. Other chemicals that were also used on-site at time of operations were discovered to still be in the facility. At the back ends of the facility, many 55 gallon drums were sealed and were found to be full of unknown chemicals.

Upon completion of the walk through of the facility, it was noticed that many of the original equipment that was at the facility was no longer there, but now housed many of the totes and drums for the facility.

#### SUMMARY OF EXIT INTERVIEW CONFERENCE

Due to the excess amounts of waste that was left on-site, an enforcement action will be pursued citing 30 TAC 335.4 for the large amount of waste stored on-site that may contribute to the discharge of industrial waste from the site during rainfall events and endanger public health and the environment. Mr. Beards was notified by phone about the Enforcement Action.

#### ADDITIONAL INFORMATION

Due to the threat posed by the existing site conditions, Critical Infrastructure Division was contacted about the location. State contractor, SWS Environmental was subsequently notified for their response to assess site conditions. Upon reaching an agreement, SWS will secure the site, conduct random sampling of the drums and totes, overpack leaking containers, and remove wastes accumulated in the secondary containment structure.

#### CONCLUSION

The investigation on July 25, 2014, determined that the site was in violation of 30 TAC 335.4 for the large amount of waste that was discovered at the site that could cause the discharge of industrial waste in the area and endanger public health and welfare. Based on the findings of this investigation, a Notice of Enforcement will be sent to Mr. Randy Beard.

**NOE Date: 8/20/2014**

**OUTSTANDING ALLEGED VIOLATION(S)**

**ASSOCIATED TO A NOTICE OF ENFORCEMENT**

**Track Number:** 545847

**Compliance Due Date:** 02/16/2014

**Violation Start Date:** Unknown

**30 TAC Chapter 335.4**

**Alleged Violation:**

**Investigation: 1186740**

Comment Date: 08/18/2014

Failure of the company to dispose of the excessive amount of industrial waste that was collected and stored on-site, that could be discharged into the surrounding areas, cause a nuisance for the surrounding area, and cause the endangerment to the public health and welfare.

**Recommended Corrective Action:** Remove all waste that was left on site. Begin the remediation process of removing all contaminated land and correcting the damages.

**Signed**

**Date** \_\_\_\_\_

\_\_\_\_\_  
**Environmental Investigator**

**Signed**

**Date** \_\_\_\_\_

\_\_\_\_\_  
**Supervisor**

**Attachments: (in order of final report submittal)**

☒ Enforcement Action Request (EAR)

☒ Maps, Plans, Sketches

☒ Letter to Facility (specify type) : NOE

☒ Photographs

Investigation Report

\_\_\_\_ Correspondence from the facility

\_\_\_\_ Sample Analysis Results

\_\_\_\_ Other (specify) :  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_ Manifests

\_\_\_\_ Notice of Registration